

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (RCC)
ECF Case

This filing applies to:

Estate of John P. O'Neill, Sr., et al., v. Al Baraka Investment & Development Corp., et al., 04-CV-01923 (RCC)

**DECLARATION OF ALLY HACK
REGARDING FILING OF THE MOTION TO DISMISS AND NOTICE OF
MOTION ON OCTOBER 17, 2005**

I am an attorney licensed to practice in the Southern District of New York. I am with the Law Firm of Omar T. Mohammedi, LLC, counsel to the Council on American Islamic Relations ("CAIR"). I submit this declaration to transmit to the Court the reason that the Motion to Dismiss, and Notice of Motion, was filed under the individual case number (04-CV-01923), but not under consolidated case number (03-MDL-1570).

1. On October 17, 2005 I filed via the ECF system a Motion to Dismiss and a Notice of Motion in the above referenced matter on behalf of our clients CAIR.
2. The filing was completed under the individual case number, 04-CV-01923.
3. When I attempted to file under the consolidated case number, 1:03-MD-1570, I found that CAIR was not listed among the parties involved in the lawsuit.
4. I therefore was not able to file the Motion to Dismiss and Notice of Motion under 1:03-MD-1570 on CAIR's behalf.
5. On October 18, 2005, I contacted the Docket Support Unit of the Southern District of New York to bring the problem to their attention.
6. A few minutes later, a representative of the Docket Support Unit contacted me and informed me that CAIR has now been added to the parties listed under 1:03-MD-1570.
7. As a result of the foregoing, I am now filing the Motion to Dismiss, and Notice of Motion, on behalf of CAIR under 1:03-MD-1570.

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief.

/s/
ALLY HACK

Dated: October 18, 2005